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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 OSCAR W. JONES,

12 Plaintiff,

2:00-cv-2811-GEB-KJM-P

13 vs.

14 LOU BLANAS, et al.

15 Defendants.

ORDER

16 \_\_\_\_\_/  
17 Plaintiff, a state prisoner proceeding with counsel, has filed this civil rights action  
18 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On December 30, 2008, the magistrate judge filed findings and recommendations  
21 herein which were served on all parties and which contained notice to all parties that any  
22 objections to the findings and recommendations were to be filed within twenty days. Plaintiff  
23 has filed objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule  
25 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the

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entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 30, 2008, are adopted in full; and

2. Plaintiff's motion for summary judgment (Docket No. 144) is granted in part and denied in part as follows:

A. At trial, the jury will be instructed that, as a matter of law, the conditions to which plaintiff was subjected in both general population and T-Sep at the Sacramento County Jail violated plaintiff's right to due process under the Fourteenth Amendment; and

B. Otherwise denied.

3. Defendants' motion for summary judgment (Docket No. 136) is granted and denied as follows:

A. Granted with respect to plaintiff's claims against defendant Blanas in his individual capacity arising before January 4, 1999;

B. Denied with respect to plaintiff's claims against defendant Blanas in his individual capacity arising on and after January 4, 1999; and

C. Denied as to plaintiff's claims against the County of Sacramento.

4. Any claims against defendant Blanas in his official capacity as the Sheriff of Sacramento County are dismissed.

5. Plaintiff is granted thirty days to file an amended pretrial statement.

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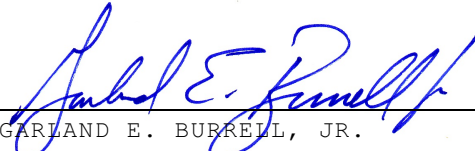
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1                   6. Defendants are granted thirty days from service of plaintiff's amended pretrial  
2 statement to file their pretrial statement.

3 Dated: February 12, 2009

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6 GARLAND E. BURRELL, JR.  
United States District Judge